



Iowa General Assembly

2011 Committee Briefings

Legislative Services Agency – Legal Services Division

<http://www.legis.iowa.gov/Schedules/committee.aspx?GA=84&CID=544>

LAKE MACBRIDE STUDY COMMITTEE

Meeting Dates: [November 3, 2011](#)

Purpose. *This compilation of briefings on legislative interim committee meetings and other meetings and topics of interest to the Iowa General Assembly, written by the Legal Services Division staff of the nonpartisan Legislative Services Agency, describes committee activities or topics. The briefings were originally distributed in the Iowa Legislative Interim Calendar and Briefing. Official minutes, reports, and other detailed information concerning the committee or topic addressed by a briefing can be obtained from the committee's Internet page listed above, from the Iowa General Assembly's Internet page at <http://www.legis.iowa.gov/index.aspx>, or from the agency connected with the meeting or topic described.*

LAKE MACBRIDE STUDY COMMITTEE

November 3, 2011

Co-Chairperson: Senator Dennis Black

Co-Chairperson: Representative Jeff Kaufmann

Background. The Lake Macbride Study Committee was created by the Legislative Council for the 2011 Legislative Interim and authorized to hold one meeting. The charge of the Committee is to review requirements and make recommendations pertaining to the use of motorboats on Lake Macbride.

Mr. Steve Waters, Department of Natural Resources (DNR), Southeast Iowa Supervisor, Fisheries Bureau. Mr. Waters discussed the history of motorboat use restrictions on artificial lakes in Iowa beginning in the 1930s when no motors were allowed on the state's artificial lakes. Eventually, all sizes of motors were allowed if operated at no-wake speed, with the exception of Big Creek Reservoir in Polk County and Lake Macbride in Johnson County where motors larger than 10 horsepower were banned during the summer months. In the mid-1990s, this horsepower restriction was removed for Big Creek Reservoir.

Mr. Waters stated that generally motors of any size that are operated at no-wake speed do not damage a lake. Nature is harder on shorelines than motorboats and since extensive shoreline work on Lake Macbride in the 1990s, 95 percent of that lake's shoreline has been protected. The biggest problem for the lake is sedimentation and phosphorus deposits.

Big Creek Reservoir (883 acres) and Lake Macbride (940 acres) are the biggest artificial lakes managed by the DNR. Lake Macbride receives about 37 percent less use by anglers than Big Creek Reservoir and would probably see an increase in use if the summer horsepower restriction is removed.

Ms. Gwen Prentice, DNR Parks Ranger. Ms. Prentice said that she has been a parks ranger at Lake Macbride State Park for 20 years and her main responsibility is to provide law enforcement on the lake. She said it would be easier to provide such law enforcement if the current practice is maintained with a no-wake speed restriction at all times and no horsepower restriction for part of the year. Ms. Prentice said that DNR enforces a 5 mile-per-hour limit on 38 other lakes with no horsepower restrictions and there are no enforcement problems or complaints. There have only been five accidents on no-wake restriction lakes in Iowa and none have been due to speed. She is not aware of anyone operating a big motor on Lake Macbride that has been altered to look like a smaller motor, although she has been told that it happens.

Senator Dvorsky asked whether boat speed is being enforced on the lake applied at no-wake speed limits or at a 5 mile-per-hour limit as Ms. Prentice mentioned. Mr. Chuck Gipp, DNR Deputy Director, stated that the DNR is currently enforcing a 5 mile-per-hour speed limit on lakes instead of a no-wake speed limit because it's easier to enforce with a radar gun and to prove in court. He recommended that the 5 mile-per-hour standard be clarified in the Code or by administrative rule instead of the current no-wake requirement.

Mr. Aron Arthur, DNR Conservation Officer, Law Enforcement Bureau. Mr. Arthur stated that he is assigned to Big Creek Reservoir in Polk County and the DNR is transitioning to enforcing a 5 mile-per-hour speed limit instead of the no-wake requirement, which is harder to prove. Mr. Arthur said he has been trained to judge speed without a radar gun by observing the attitude of the boat, its position, and observable whitewater coming off the boat. Ms. Diane Ford, DNR

Legislative Liaison, indicated that the DNR expects to issue radar guns to its water patrol and other officers before the next boating season.

Mr. Chuck Gipp, DNR Deputy Director. Mr. Gipp said that the DNR is not advocating for removing the current horsepower restriction on Lake Macbride but is responding to the Committee request to provide information about the restriction. Mr. Gipp stated that water quality problems on Big Creek Reservoir are due to its watershed rather than activity on the lake. Mr. Gipp observed that the use of motorboats on Iowa's artificial lakes has evolved over time and asked that legislators tell their constituents to contact the DNR with complaints so that DNR can respond to them. Whatever the General Assembly decides, the DNR will manage the state's resources to represent the most users while maintaining safety. There is no accurate way to determine usage of Lake Macbride today since there are no entrance fees.

Mr. Steve Becicka, Oxford. Mr. Becicka, a fisher, spoke in favor of removing the horsepower restriction on Lake Macbride. He stated that as a law-abiding fisher, he prefers to fish on the lake because of the no-wake speed requirement, fishing is better there, and the lake is a safer place for him to take his family than the Coralville Reservoir where boat speeds can be high. He said that there are many opportunities for canoes on rivers and streams, because of the restriction he does not spend money in the area during the summer, and it is too expensive for him to buy a new smaller motor so he can use his fishing boat on Lake Macbride during the summer.

Mr. Brian Gallagher, Cedar Rapids. Mr. Gallagher, a fisher, spoke in favor of removing the horsepower restriction on Lake Macbride. He stated that the lake is too big to use a trolling motor to traverse the lake, the horsepower restriction causes businesses in the area to lose money, and the best fishing in the lake is in June, when he cannot use his boat with its bigger motor. He said that there have been no accidents on Big Creek Reservoir since the horsepower restriction was removed and that Lake Macbride should be open to the public for full use the same as any other public 100-acre artificial lake in the state.

Mr. Bob Schlegel, Marion. Mr. Schlegel, a fisher, expressed hope that the General Assembly will put an end to the annual hot-button issue of the horsepower restrictions on Lake Macbride. He said that it is not fair to spend public money to make a private lake for a select few, and a no-wake requirement is the same regardless of motor size. Coralville Reservoir is not fishable because it is dirty and unstable, making Lake Macbride the only good fishing location in the area. Mr. Schlegel offered several alternatives that he opined would be fair to everyone including having a one-year trial period with no horsepower restrictions followed by a DNR report at the end of the year on how the trial worked and whether there were any complaints; extending the no-wake period through June to give fishers an additional month to fish the lake using their bigger motors; or applying the no-wake requirement to all boats Monday through Friday with the horsepower restriction on the weekend only.

Mr. Bob Burns, Chair, Lake Macbride Water Sports Safety Group. Mr. Burns said that lakes in other states have similar horsepower restrictions to those of Lake Macbride. He described several aspects of the lake that make it unique including use by the University of Iowa Sailing Club, a University of Iowa children's summer campus program, the University of Iowa School of the Wild, and the Environmental Education Nature Preserve. Mr. Burns also described his research indicating the differences in usage between Big Creek Reservoir and Lake Macbride and the cost to purchase a new or used 10 horsepower motor for use during the summer months.

Ms. Suzanne Bentler, Friends of Lake Macbride. Ms. Bentler spoke on behalf of low-impact users of the lake who canoe and kayak. She stated that other states have low horsepower restrictions and various use lakes and that there are not enough areas available in Iowa for low-impact activities. She said that Iowa needs a variety of recreational opportunities.

Mr. Tom Hart, University of Iowa Sailing Club. Mr. Hart stated that the use of combustion motors on water puts fossil fuels in the water and makes noise. The sailing club provides unique opportunities on Lake Macbride for beginners to learn to sail.

Committee Discussion and Recommendation. Senator Black noted that there are currently two proposed pieces of legislation before the General Assembly to remove the horsepower restriction on Lake Macbride. House File 462 passed the house on March 15, 2011, and is currently assigned to a subcommittee of the Senate Natural Resources and Environment Committee. Senate File 54 is also currently assigned to a subcommittee of the Senate Natural Resources and Environment Committee. After discussion, Senator Black asked for and received unanimous consent from the Committee to submit the minutes of the Lake Macbride Study Committee to the Speaker of the House of Representatives and the Senate Majority Leader and to the Chairpersons of the House Natural Resources Committee and the Senate Natural Resources and Environment Committee for their consideration.

LSA Contacts: Ann Ver Heul, Legal Services, (515) 281-3837; Andrew Ward, Legal Services, (515) 725-2251.

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